

16553



# NOTICE OF PROPOSED RULE ADOPTION

## STATE OF MISSISSIPPI

Mississippi Commission on Environmental Quality  
Mississippi Department of Environmental Quality

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c/o Theodore D. Lampton III, Senior Attorney  
Department of Environmental Quality  
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### Specific Legal Authority Authorizing the promulgation of Rule:

Miss. Code Ann. § 51-3-25 (Rev. 2003), and Miss. Code Ann. § 49-2-9(1) (Rev. 2003).

**Reference to Rules repealed, amended or suspended by the Proposed Rule :** Amends State of Mississippi Surface Water and Groundwater Use and Protection regulations (Commission Regulation LW-2).

**Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:** The purpose of the proposed amendment is to prohibit the drilling of a groundwater well or the placement of a surface water intake until an appropriate groundwater or surface water use permit has been issued by the Permit Board. The amendment also removes the requirement that applications for water use permits be notarized.

This rule is proposed as a ☒ Final Rule, and/or a ☐ Temporary Rule (Check one or both boxes as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Oral Proceeding:** Check one box below:

☒ An oral proceeding is scheduled on this rule on

Date: November 30, 2009

Time: 5:00 p.m.

Place: Commission Hearing Room on the First floor of MDEQ Central Office, 515 E. Amite Street, Jackson, MS 39201

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least five (5) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

☐ An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

**Economic Impact Statement:** Check one box below:

☒ The agency has determined that an economic impact statement is not required for this rule, or

☐ The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

**Date Rule Proposed:** October 21, 2009

**Proposed Effective Date of Rule:** January 10, 2010

Theodore D. Lampton III  
Theodore D. Lampton III, Senior Attorney